

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SPEED MONITORING TECHNOLOGIES LLC

Plaintiff,

-against-

VOLVO CARS OF NORTH AMERICA, LLC

Defendant.

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Speed Monitoring Technologies LLC (“SMT”), as and for its Complaint against Defendant Volvo Cars of North America, LLC (“Volvo”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Volvo of claims of U.S. Patent No. 7,389,198.

**PARTIES**

2. Plaintiff SMT is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at One Commerce Center – 1201 Orange St., #600, Wilmington, Delaware 19899.

3. Upon information and belief, defendant Volvo is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 1 Volvo Drive, Rockleigh, New Jersey 07647.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Volvo because, *inter alia*, Volvo is a Delaware limited liability company, Volvo has done and continues to do business in the State of Delaware, and upon information and belief, Volvo has committed and continues to commit acts of patent infringement in the State of Delaware.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, *inter alia*, both Plaintiff SMT and Defendant Volvo are Delaware limited liability companies, Plaintiff's principal place of business is located in this judicial district, the Patent-in-Suit is assigned to Plaintiff, Defendant is subject to personal jurisdiction in this district, and, upon information and belief, Defendant has committed and continues to commit acts of patent infringement in this district.

#### **PATENTS-IN-SUIT**

7. On June 17, 2008, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,389,198 (the "'198 Patent" or the "Patent-in-Suit"), entitled "Land Vehicle Speed Monitoring System," based upon an application filed by the inventor, James C. Dimitriadis. A true and correct copy of the '198 Patent is attached hereto as Exhibit A.

8. The '198 Patent generally relates to a system for monitoring a land vehicle speed relative to a speed limit.

9. SMT is the owner of the '198 Patent and has the right to sue and recover damages for infringement thereof.

#### **FACTUAL ALLEGATIONS**

10. As referred to in this Complaint, and consistent with 35 U.S.C. § 100 (c), the "United States" means "the United States of America, its territories and possessions."

11. Upon information and belief, including based on the products identified on Volvo's websites and described in Volvo's manuals, Volvo makes, imports, and sells products made in accordance with the '198 Patent, including, but not limited to Volvo vehicles comprising the Road Sign Information and Navigation systems.

12. Upon information and belief, including based on the products identified on Volvo's websites and described in Volvo's manuals, vehicles comprising the Road Sign Information and Navigation systems, as of the date of this Complaint, include the 2013 Volvo S60, S80, XC60, and XC70 models; the 2014 Volvo S60, S80, XC60, and XC70 models; and the 2015 Volvo V60 model.

**COUNT I: INFRINGEMENT OF THE '198 PATENT BY VOLVO**

13. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

14. Upon information and belief, defendant Volvo has infringed at least claims 1-2 and 7-11 of the '198 Patent pursuant to 35 U.S.C. § 271 (a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States vehicles with Road Sign Information and Navigation systems. Upon information and belief, Volvo's infringement pursuant to 35 U.S.C. § 271 (a) is ongoing.

15. Upon information and belief, defendant Volvo has committed the foregoing infringing activities without license from SMT.

16. To the extent that facts learned in discovery show that Volvo's infringement of the '198 Patent is or has been willful, SMT reserves the right to request such a finding at a later time, including at the time of trial.

17. As a result of Volvo's infringement of the '198 Patent, SMT has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate

for Volvo's infringement, but in no event less than a reasonable royalty, together with interest and costs.

**PRAYER FOR RELIEF**

WHEREFORE, SMT prays for judgment in its favor against Volvo granting SMT the following relief:

- A. Entry of judgment in favor of SMT against Volvo on all counts;
- B. Entry of judgment that Volvo has infringed the '198 Patent;
- C. Award of compensatory damages adequate to compensate SMT for Volvo's infringement of the '198 Patent;
- D. SMT's reasonable fees for expert witnesses and attorneys, as provided by 35 U.S.C. § 285;
- E. SMT's costs;
- F. Pre-judgment and post-judgment interest on SMT's award; and
- G. All such other and further relief as the Court deems just or equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Fed. R. Civ. P., SMT hereby demands trial by jury in this action of all claims so triable.

Dated: March 18, 2014

Respectfully submitted,

Farnan LLP

By: /s/ Brian E. Farnan  
Brian E. Farnan (#4089)  
919 North Market St.  
12th Floor  
Wilmington, DE 19801  
Tel. (302) 777-0300  
Fax (302) 777-0301  
bfarnan@farnanlaw.com

*Attorneys for Plaintiff Speed Monitoring  
Technologies LLC.*

*Of Counsel for Plaintiff Speed Monitoring  
Technologies LLC:*

Dmitriy Kheyfits  
dkheyfits@kheyfitsmaloney.com  
Michael James Maloney  
mmaloney@kheyfitsmaloney.com  
Kheyfits & Maloney LLP  
1140 Avenue of the Americas  
9th Floor  
New York, New York 10036  
Tel. (212) 203-5399  
Fax. (212) 203-6445